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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,358	10/14/2003	Bjom Bluthgen	PHQ 92,003C	4390

24737 7590 08/04/2005

PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER
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NGUYEN, CHANH DUY

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 08/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/685,358

Applicant(s)

BLUTHGEN ET AL.

Examiner

Chanh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ✓ 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- ✓ 6) ☒ Other: Utility Patent Application Transmitted (PTO-605)

## **DETAILED ACTION**

### ***Response to Preliminary Amendment***

1. The PTO did not receive the Preliminary Amendment as marked by applicant on Utility Patent Application Transmittal mailed on October 14, 2003. (see stamped by USPTO on Utility Patent Application Transmittal). Thus, the application is treated as original file without Preliminary Amendment.

### ***Priority***

2. This application filed under former 37 CFR 1.60 lacks the necessary reference to the prior application. A statement reading "This is a continuation of Application No. 10/273,058, filed on October 17, 2002, now Pat. No. 6,693,636, which is continuation of application No. 08/368,740, filed on January 4, 1995, now Patent No. 6,480,197, which is continuation of application No. 08/015,098, filed on February 2, 1993, now abandoned should be entered following the title of the invention or as the first sentence of the specification.

3. Applicant should submit a letter for correction application data sheet including all the continuation application data as mentioned above.

4. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 08/015,098, filed on February 2, 1993.

**Information Disclosure Statement**

1. The reference listed on the Information Disclosure Statement filed on October 14, 2003 have been considered by examiner; see attached PTO-1449.

**Specification**

2. The abstract of the disclosure is objected to because it is not a single paragraph. Correction is required. See MPEP § 608.01(b).

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

**Arrangement of the Specification**

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC (See 37 CFR 1.52(e)(5) and MPEP 608.05. Computer program listings (37 CFR 1.96(c)), "Sequence Listings" (37 CFR 1.821(c)), and tables having more than 50 pages of text are permitted to be submitted on compact discs.) or  
REFERENCE TO A "MICROFICHE APPENDIX" (See MPEP § 608.05(a). "Microfiche Appendices" were accepted by the Office until March 1, 2001.)
- (f) BACKGROUND OF THE INVENTION.
  - (1) Field of the Invention.
  - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The application is objected to because of the hand written in claim 5 which is difficult to read as well as alterations which have not been initialed and/or dated and as is required by 37 CFR 1.52(c) .

### ***Claim Objections***

4. Claims 5-14 and 19- 20 objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claims. Accordingly, the claims 5-14 and 19-20 have not been further treated on the merits. See MPEP § 608.01(n).

5. Claims 9-20 are objected to because of the following informalities: Although applicant claims 9-20 meet the requirement of 112/2<sup>nd</sup>, i.e. the metes and bounds are determinable The term "transmitter" recited in preamble of claims 9-14 and the term "receiver" recited in preamble of claims 15-20 should be changed to the "Information transfer system" because it is consistent with the preamble of independent claim 1. It is the best interest of the patent community the applicant, in his/her normal review and/or rewriting of the claims, to take consideration these editorial situations and make change as necessary . Appropriate correction is required.

### ***Obviousness Type Double Patenting Rejection***

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6. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

1. Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,480,197 and claims 1-32 of U.S. Patent No. 6,693,636. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reason below.

<b>Claims 1 and 7 of U.S. Patent 6,480,197</b>	<b>Claim 1 of the application 10/685,358</b>
(Claim 7) In information transfer system, comprising: the receiver as claimed in claim 1; and a transmitter for transmitting the information signal via a transfer medium to the receiver.	Information transfer system, comprising a receiver and a transmitter for transferring an information signal to the receiver via a transfer medium,
(claim 1) character display means for displaying characters defined by a number of character codes included in a coded text	the information signal comprising main data and sub data, the sub data comprising coded text lines having a

<p>line, said character display means having a predetermined number of character display positions which is less than the number of character codes included in the coded text line; means for receiving an information signal having main data and sub data, the sub data including the coded text line, which coded text line also includes a number of serial control codes intermixed among the character codes for use in controlling display of the characters on said display means;</p>	<p>plurality of character codes, the receiver being provided with a character display unit for displaying characters defined by the character codes in the coded text lines, which display unit has a predetermined number of character display positions, characterized in that said predetermined number of character positions of the display unit is less than the number of character codes in the coded text lines, in that the coded text lines include control codes;</p>
<p>and display control means for controlling display of the characters in accordance with the serial control codes, which serial control codes include horizontal scrolling control codes for use in causing and/or controlling a horizontal scrolling of the characters on said display means.</p>	<p>the receiver being provided with display control means for controlling the display of characters corresponding to the character codes included in the coded text line in dependence on the said control codes.</p>

Note the comparison above, claim 1 of the instant application is not patentably distinct from claims 1 and 7 of the U.S. Patent No. 6,480,197. For example, claim 1 of the application is broader than claims 1 and 7 of the U.S. Patent No. 6,480,197 by deleting the limitation "horizontal scrolling control codes". Thus, it would have been obvious to one of ordinary skill in the art to remove the limitation "horizontal scrolling control codes" where that functionality is not needed.

Claims 2-20 are rejected to as being dependent upon a rejected base claim 1. Moreover, dependent claims 2-20 are recited the same limitation as dependent claims in the U.S. Patent No. 6,480,197.

2. Claims 1-20 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-32 of U.S. Patent No. 6,693,636 and claims 1-32 of U.S. Patent No. 6,693,636. Although the conflicting claims are not identical, they are not patentably distinct from each other for the reason below.

<b>Claims 1 and 7 of U.S. Patent 6,480,197</b>	<b>Claim 1 of the application 10/685,358</b>
An information transfer system, comprising: a transmitter for transmitting a signal through a transfer medium,	Information transfer system, comprising a receiver and a transmitter for transferring an information signal to the receiver via a transfer medium,
the signal contains main data and sub data, the sub data includes coded text lines containing character codes that	the information signal comprising main data and sub data, the sub data comprising coded text lines having a



<p>represent corresponding displayable text characters and includes in-line control codes, and the transmitter includes multiplexer means for forming the coded text lines containing the in-line control codes mixed with the character codes; a receiver for receiving the signal from the transfer medium, the receiver includes: a display for presenting the text characters represented by the character codes, the display has one or more display lines;</p> <p>(claim 4) the display controller presents the text characters of a coded text line exclusively on one display line at a time for the respective coded text line; and the number of character codes in a coded text line is greater than can be simultaneously presented in the respective display line.</p>	<p>plurality of character codes, the receiver being provided with a character display unit for displaying characters defined by the character codes in the coded text lines, which display unit has a predetermined number of character display positions, characterized in that said predetermined number of character positions of the display unit is less than the number of character codes in the coded text lines, in that the coded text lines include control codes;</p>
<p>and a display controller for controlling the presentation of the text characters on the</p>	<p>the receiver being provided with display control means for controlling the display of</p>

display lines depending on the in-line control codes.	characters corresponding to the character codes included in the coded text line in dependence on the said control codes.
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Note the comparison above, claim 1 of the instant application is not patentably distinct from claims 1 and 74 of the U.S. Patent No. 6,693,636. For example, claim 1 of the application is broader than claims 1 and 7 of the U.S. Patent No. 6,693,636 by deleting the limitation "multiplexer means". Thus, it would have been obvious to one of ordinary skill in the art to remove the limitation "multiplexer means" where that functionality is not needed.

Claims 2-20 are rejected to as being dependent upon a rejected base claim 1. Moreover, dependent claims 2-20 are recited the same limitation as dependent claims in the U.S. Patent No. 6,693,636.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 9 and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Bluthgen (E.P. 0,389,689).

As to claim 1, Bluthgen discloses an information including a receiver (110) and a transmitter (200) for transferring an information signal to receiver (110) via transfer medium (antenna 206); see page 9, lines 23-24. Bluthgen teaches the information signal including main data and sub-data or sub information (see page 9, lines 6-8), the sub data including coded text lines having a plurality of character codes (see page 4, lines 31-40) .

Bluthgen teaches the receiver (110) being provided with a character display unit (CRT or two line LCD display) for displaying characters defined by the character code in the coded text lines (see page 4, lines 40-54). Bluthgen teaches the display unit (two line display) having a predetermined number of character display positions (two lines information) which is less than number of character codes in the coded text lines (21 text lines); see page 4, lines 48-49.

Bluthgen teaches the coded text lines including control codes (see page 4, line 58 through page 5, line 14) and receiver (110) being provided with display control means for controlling the display of characters corresponding the character code in dependence on the control codes; see page 7, lines 3-5.

As to claim 9, Bluthgen clearly teaches the number character position (two line display which is less than the number of characters in he coded text lines (21 text lines); see page 4, lines 48-49.

As to claim 15, Bluthgen teaches the information signal including main data and sub-data or sub information (see page 9, lines 6-9). Bluthgen teaches the receiver (110) teaches provided with the character display unit (CRT or LCD) for displaying

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characters (see page 4, lines 40-54). Bluthgen teaches number character positions (two line display) which is less than the number of characters in the coded text lines (21 text lines); see page 4, lines 48-49.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2-3 and 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bluthgen in view of Morley et al (U.S. Patent No.4,055,388)

As to claims 2 and 16, note the discussion of Bluthgen above, Bluthgen does not teach the horizontal scrolling character text lines. Morley teaches the character display information scroll in the horizontal direction (see column 12, lines 24-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have provided the horizontal scroll as taught by Morley to the device of Bluthgen so that an operator can view a portion of the previous information (see column 12, lines 24-26 of Morley).

As to claims 3 and 17, Bluthgen clearly teaches an entry means (102 and 107) for manually entering scroll command (see page 8, lines 36-39).

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7. Claims 4 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bluthgen in view of Morley as applied to claims 1-2 and 15-17 above, and further in view of Bergstresser (5,111,426).

As to claim 4 and 18, Bluthgen and Morley do not teach the character scroll with a speed dependent on the entered scrolling command. Bergstresser teaches the scroll keys (28 and 30) allowing rapid movement to any portion of the information. Therefore, it would have been obvious to one of ordinary skill in the art to have provided the speed of scrolling characters to display of Bluthgen as modified by Morley so that an operator has enough time to view the information.

#### **Inquiries**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanh Nguyen whose telephone number is (571) 272-7772. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on (571) 272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



C. Nguyen  
July 25, 2005



Chanh Nguyen  
Primary Examiner  
Art Unit 2675

Please type a plus sign (+) inside this box → +

PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0851-0032

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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# UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 C.F.R. 1.53(b))

Attorney Docket No.

PHQ 92,003C

First Inventor

BJORN BLUTHGEN ET AL

Title

INFORMATION TRANSFER SYSTEM, A  
TRANSMITTER, A RECEIVER AND A RECORD  
CARRIER FOR USE IN THE SYSTEM

Date

OCTOBER 14, 2003

Express Mail  
Label No.

EV 312 014305

## APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2. ☐ Applicant claims small entity status.  
See 37 CFR 1.27.
3. ☒ Specification [Total Pages 18]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the invention
  - Brief Summary of the invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets 7]
5. Oath or Declaration [Total Pages 1]
  - a. ☐ Newly executed (original or copy)
  - b. ☒ Copy from a prior application (37 CFR 1.63 (d))  
(for a continuation/divisional with Box 18 completed)
  - i. ☐ **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR  
1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

## ADDRESS TO:

Assistant Commissioner for Patents  
Box Patent Application  
Alexandria, VA 22313

7. ☐ CD-ROM or CD-R in duplicate, large table or  
Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a. ☐ Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i. ☐ CD-ROM or CD-R (2 copies); or
    - ii. ☐ paper
  - c. ☐ Statements verifying identity of above copies

## ACCOMPANYING APPLICATIONS PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 C.F.R. §3.73(b) Statement ☒ Power of  
(when there is an assignee) Attorney
11. ☐ English Translation Document (if applicable)
12. ☒ Information Disclosure ☐ Copies of IDS  
Statement (IDS)/PTO-1449 Citations
13. ☒ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16. ☐ Nonpublication Request under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17. ☐ Other: \_\_\_\_\_

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No: 10/273,058

Prior application information:

Examiner CHANH D. NGUYEN

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For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

## 17. CORRESPONDENCE ADDRESS

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**MICHAEL E. BELK**

Registration No. (Attorney/Agent)

**33,357**

Signature

*Michael E. Belk*

Date

**OCTOBER 14, 2003**

The PTO did not receive the following listed item(s) Preliminary Amendment

17382 U.S. PTO  
10/685358



101403